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7 IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 STEVE LEWIS,

9 Plaintiff,

10 vs.

11 PDA, LLC, a Washington Limited Liability
12 Company

13 Defendant.

NO. 2:22-cv-884

**COMPLAINT FOR
DECLARATORY
AND INJUNCTIVE RELIEF**

JURY DEMAND

14 COMES NOW, Plaintiff, Steve Lewis, by and through his attorneys at Washington Civil
15 & Disability Advocate for his Complaint for Declaratory and Injunctive Relief to state and allege
16 as follows:

17 **I. INTRODUCTION**

18 1. The Americans with Disabilities Act (the “ADA”) and the Washington Law
19 Against Discrimination (“WLAD”) require places of public accommodation to be accessible to
20 people with disabilities.

21 2. Grocery stores and other sales establishments are places of public accommodation
22 within the meaning of Title III of the ADA, 42 U.S.C. § 12181(7), and its implementing
23 regulation, 28 C.F.R. § 36.104.

3. ADA accessibility laws and regulations were enacted into law in 1990, over 30 years ago, to protect civil rights of persons with mobility and other disabilities.

4. Defendant discriminates against individuals with disabilities because Defendant operates a property as a place of public accommodation that does not comply with ADA laws and regulations or the WLAD, and thus Plaintiff brings this action to end the civil rights violations at a place of public accommodation by Defendant against persons with mobility disabilities.

II. PARTIES

5. Plaintiff Steve Lewis is a Washington resident and resides in this district.

6. Mr. Lewis is limited in the major life activity of walking and uses a wheelchair for mobility and drives a modified vehicle for transportation. Mr. Lewis requires ADA compliant accessible parking in order to patronize the DK Market at Defendant's property at or around 720 Lind Ave SW, Renton, WA 98057 (the "Property").

7. PDA LLC is a Washington Limited Liability company, which, on information and belief owns and operates the Property.

III. JURISDICTION AND VENUE

8. This court has jurisdiction pursuant to 28 U.S.C. § 1331, which gives district courts original jurisdiction over civil actions arising in the Constitution, laws, or treaties of the United States.

9. This court has jurisdiction pursuant to 28 U.S.C. § 1343(a)(4), which gives district courts jurisdiction over actions to secure civil rights under Acts of Congress.

10. This court has jurisdiction pursuant to 28 U.S.C. § 1367, which gives district courts supplemental jurisdiction over state law claims.

1 11. Venue is appropriate in this judicial district under 28 U.S.C. § 1391 because the
2 practices and procedures that gave rise to Plaintiff's Complaint for Injunctive Relief and
3 Damages occur in this district and Defendant's Property lies within this district.

4 **IV. FACTUAL ALLEGATIONS**

5 12. The ADA was enacted in 1990, "[t]o establish a clear and comprehensive
6 prohibition of discrimination on the basis of disability," and prohibits places of public
7 accommodation from providing separate or unequal benefits and services to individuals with
8 disabilities.

9 13. Defendant's property is one example of countless places of public
10 accommodation that are either difficult or dangerous to access due to those property's
11 noncompliance with the ADA, despite decades of notice to property owners.

12 14. The findings and purpose section of the original ADA, 42 U.S.C. § 12101, states
13 that, "...individuals with disabilities continually encounter various forms of discrimination,
14 including outright intentional exclusion, [and] the discriminatory effects of architectural,
15 transportation, and communication barriers...."

16 15. Thus, Title III of the ADA states in relevant part: "No individual shall be
17 discriminated against on the basis of disability in the full and equal enjoyment of the goods,
18 services, facilities, privileges, advantages, or accommodations of any place of public
19 accommodation by any person who owns, leases (or leases to), or operates a place of public
20 accommodation." 42 U.S.C. § 12182(a).

21 Plaintiff

22 16. Plaintiff Lewis resides in Kirkland, Washington, and travels throughout the
23 Seattle metropolitan area multiple times a week for shopping, dining, entertainment, social

1 engagements as well as throughout the year for medical visits.

2 17. Mr. Lewis is limited in the major life activity of walking and requires the use of a
3 wheelchair for mobility and is thus a person with a disability within the meaning of Title III of
4 the ADA and the WLAD.

5 18. Mr. Lewis plans to visit the Property again once accessibility barriers are
6 addressed. However Mr. Lewis may need to return sooner due to necessity.

7 Defendant's Property

8 19. Mr. Lewis does not feel safe accessing the property as-is due to the current
9 accessibility barriers.

10 20. Defendant's Property does not comply with the ADA's accessibility laws and
11 regulations under the 2010 ADA Standards for Accessible Design ("2010 Standards").

12 21. There are at least 135 parking spaces in Defendant's parking lot at the Property

13 22. The Property must have accessible parking spaces in a quantity defined by §208.2
14 of the 2010 Standards. Restriping, or alternations, were performed on the Property after March
15 14, 2012.

16 23. A certain number of those accessible parking spaces must be "van accessible". §
17 208.2 of the 2010 Standards.

18 24. Under the 2010 Standards a parking lot with between 100 and 150 total spaces is
19 required to have a minimum of five accessible spaces, one of those accessible spaces being a
20 compliant "van accessible" parking space.

21 25. At the location there is no sign-designated accessible parking.

22 26. The two spaces which may have once been designated accessible (and now have
23 symbols so faded as to be illegible) do not meet either the 2010 Standards.

1 27. Accessible parking spaces must be identified with signage at least 60 inches
2 above the ground. Signs identifying van parking spaces shall contain the designation "van
3 accessible." § 502.6 of the 2010 Standards.

4 28. Van accessible parking spaces shall be 132 inches wide and served by an access
5 aisle of 60 inches, or 96 inches wide and served by an access aisle of 96 inches. § 502.2 of the
6 2010 Standards and §§ 4.1.2(5)(b).

7 29. Regular accessible spaces shall be at least 96 inches wide and served by an access
8 aisle at least 60 inches wide. § 502.3 of the 2010 Standards and §§ 4.1.2(5)(a).

9 30. Additionally, the slope of accessible parking spaces as well as the adjacent access
10 aisle must be no greater than 1:48 (approximately 2%) in any direction and must adjoin the
11 accessible route. §§ 502.3-502.4 of the 2010 Standards.

12 31. There are an insufficient number of designated accessible spaces on the property,
13 and what spaces were once designated accessible can no longer be identified as such.

14 32. There are zero designated "van accessible" spots on the property.

15 33. Any accessible parking spots are not identified with an accessible parking sign.

16 34. On or about June 10, 2022, counsel for Plaintiff attempted to contact Defendant
17 via Defendant's registered agent to request the parties come to an agreement to properly fix the
18 ADA Violations in the parking lot. That effort was unsuccessful.

19 35. Mr. Lewis requires compliant accessible parking and compliant accessible routes
20 in order to safely patronize Defendant's property using his wheelchair.

21 36. Defendant's property is not safe and is not welcoming for people who use
22 wheelchairs because it does not comply with the ADA's accessibility laws and regulations.

23 37. The failure of PDA, LLC to make the property comply with the ADA's

1 accessibility laws and regulations works to exclude people with disabilities from equal access to
2 and enjoyment of the Property.

3 **V. FIRST CAUSE OF ACTION**
4 **Title III of the Americans with Disabilities Act of 1990**
5 **42 U.S.C. § 12101 *et seq.***

6 38. Mr. Lewis incorporates by reference the allegations in the paragraphs above.

7 39. Mr. Lewis is limited in the major life activity of walking and is thus an individual
8 with a disability within the meaning of Title III of the ADA.

9 40. Title III of the ADA states in relevant part: “No individual shall be discriminated
10 against on the basis of disability in the full and equal enjoyment of the goods, services, facilities,
11 privileges, advantages, or accommodations of any place of public accommodation by any person
12 who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. §
13 12182(a).

14 41. Defendant PD, LLC owns the property where the DK Market parking lot is
15 located.

16 42. DK Market is a place of public accommodation under 42 U.S.C. § 12181(7).

17 43. Defendant has discriminated against Plaintiff on the basis of his disability.

18 44. Defendant’s discriminatory conduct includes but is not limited to:

19 a. Discriminatory exclusion and/or denial of goods, services, facilities,
20 privileges, advantages, accommodations, and/or opportunities;

21 b. Provision of goods, services, facilities, privileges, advantages, and/or
22 accommodations that are not equal to those afforded non-disabled
23 individuals;

c. Failing to make reasonable modifications in policies, practices, and/or

procedures as necessary to afford the goods, services, facilities, privileges, advantages, and/or accommodations to individuals with disabilities;

d. Failing to make alterations in such a manner that, to the maximum extent feasible, the altered portions are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs;

e. Failing to remove barriers to individuals with disabilities where it would be readily achievable to do so.

45. As such, Defendant discriminates and, in the absence of the injunction requested herein, will continue in the future to discriminate against Plaintiff on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, accommodations and/or opportunities at Defendant's property in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq. and/or its implementing regulations.

46. Defendant's discriminatory conduct as has harmed Mr. Lewis, and the harm continues.

47. Defendant's discriminatory conduct entitles Mr. Lewis to declaratory and injunctive relief. 42 U.S.C. § 12188.

48. Defendant's discriminatory conduct entitles Mr. Lewis to recover reasonable attorneys' fees and costs incurred in bringing this action. 42 U.S.C. § 12205.

VI. SECOND CAUSE OF ACTION
Violation of the Washington Law Against Discrimination
(R.C.W. §§ 49.60.010 et seq.)

49. Mr. Lewis incorporates by reference the allegations in the paragraphs above.

50. Mr. Lewis is an individual with a disability within the meaning of the Washington Law Against Discrimination.

1 51. Under § 49.60.030(1) of the Revised Code of Washington provides in pertinent
2 part: “The right to be free from discrimination because of . . . the presence of any sensory,
3 mental, or physical disability . . . is recognized as and declared to be a civil right. This right shall
4 include, but not be limited to: . . . (b) The right to the full enjoyment of any of the
5 accommodations, advantages, facilities, or privileges of any place of public resort,
6 accommodation, assemblage, or amusement . . . ”

7 52. Defendant has violated and continues to violate §§ 49.60.010 *et seq.* of the
8 Revised Code of Washington by violating multiple accessibility requirements under the ADA.

9 53. Defendant’s actions constitute discrimination against persons with disabilities and
10 violate the Washington Law Against Discrimination, Revised Code of Washington § 49.60.010
11 *et seq.*, in that persons with mobility disabilities have been and are still denied full and equal
12 enjoyment of the accommodations, advantages, facilities, privileges, and services that Defendant
13 provides to individuals who do not have disabilities.

14 54. As a direct and proximate result of Defendant’s discriminatory conduct as alleged
15 in this Complaint, Mr. Lewis has suffered and continues to suffer difficulty, hardship, isolation,
16 and segregation due to Defendant’s failure to correctly remediate the Property.

17 55. Defendant’s discriminatory conduct as alleged in this Complaint has denied Mr.
18 Lewis the full and equal enjoyment of services that the Washington Law Against Discrimination
19 requires.

20 56. Mr. Lewis has a clear legal right to access the business located at Defendant’s
21 Property under the Washington Law Against Discrimination.

22 57. Mr. Lewis has the right for Defendant’s property to comply with the ADA’s
23 accessibility laws and regulations under the Washington Law Against Discrimination.

1 DATED THIS 23 day of June, 2022

2 By:

3 /s/ Conrad Reynoldson

4 /s/ Marielle Maxwell

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